

## NATIONAL RECREATION AND PRESERVATION

### Appropriation Language

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, [statutory or contractual aid for other activities, ]and grant administration, not otherwise provided for, [\$61,832,000: Provided, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: ]\$36,777,000: Provided[ further], That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan[: Provided further, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds]. (Department of the Interior and Related Agencies Appropriations Act, 2005.)

### Justification of Major Proposed Language Changes

1. Deletion: "statutory or contractual aid for other activities"

This funding is not requested for FY 2006.

2. Deletion: "Provided, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project"

This was a one-time funding for a project. It is not requested again for FY 2006.

3. Deletion: "Provided further, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds"

This does not apply for FY 2006 since the funding is not requested for FY 2006.

### Authorizing Statutes

#### General

**16 USC 1 to 16 National Park Service Organic Act** establishes the National Park Service and provides for supervision of the parks by a Director; authorizes a variety of administrative activities, including contracting, cooperative agreements, addition of areas to the National Park System; establishes the authority to designate law enforcement officers; provides for the publishing of rules and regulations for park areas; authorizes rights-of-way, medical services for employees, emergency aid to visitors, and central supply warehouses.

**16 USC 460I to 460I-34 The Land and Water Conservation Fund Act of 1965** authorizes certain activities with the common purpose of helping provide outdoor recreation resources; these include: inventory, evaluation, and classification of needs and resources; formulation of a comprehensive nationwide recreation plan; technical assistance to non-federal entities; encouragement of cooperation among states and Federal entities; research and education.

**16 USC 470a(e) National Historic Preservation Act** authorizes administration of a program of historic preservation grants to States, Indian Tribes, and nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

**Public Law 108-108 Department of the Interior and Related Agencies Appropriations Act, 2004 (Title III, Sec. 344)** applies an across-the-board rescission "equal to 0.646 percent of" the budget authority provided for any discretionary account in the Act and any provided in advance appropriation for any discretionary account in the Act for FY 2004, by proportionate application.

#### **Activity: Recreation Programs**

**40 USC 484(k)(2) to (3) Federal Property and Administrative Services Act, as amended**, authorizes disposal of Federal surplus real property for use as public park or recreation areas, and requires determination and enforcement of compliance with terms of disposal.

#### **Activity: Natural Programs**

**16 USC 1241 to 1251 National Trails System Act** sets prerequisites for inclusion of trails in the National Scenic and National Historic Trails system; prescribes procedures for designation of trails and administration of the system; and establishes a number of specific trails.

**16 USC 1262** establishes the National Recreation Trails Advisory Commission.

**16 USC 1271 to 1287 Wild and Scenic Rivers Act, as amended**, establishes Wild and Scenic Rivers system, prescribes how the system will be administered and designates specific rivers for inclusion; prohibits FERC from licensing dams or other project works directly affecting a river so designated.

#### **Activity: Cultural Programs**

**16 USC 461 to 467 Historic Sites Act** declares it national policy to protect historic sites, buildings, and objects; establishes various National Historic Sites, National Battlefield Sites, National Heritage Corridors, National Heritage Areas and National Heritage Partnerships; authorizes appropriation of funds for this purpose; provides specific authority for the Secretary to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

**16 USC 469 to 469c-2 Archeological and National Historic Preservation Act of 1974** establishes a program for preservation of historical and archeological data which might otherwise be lost or destroyed as a result of a Federal or Federally-assisted or licensed project, activity, or program, and authorizes appropriation of specific amounts for this purpose.

**16 USC 469k American Battlefield Protection Act of 1966** establishes the American Battlefield Protection Program to assist citizens, public and private institutions and governments in planning, interpreting and protecting sites where historic battles were fought.

**16 USC 470 National Historic Preservation Act** provides for assistance to non-Federal entities for the preservation of their cultural heritage. It establishes a program for preservation of historical and archeological data which might otherwise be lost or destroyed as the result of a Federal or Federally-assisted or licenses project, activity, or program.

**16 USC 470a National Historic Preservation Act** establishes the National Register of Historic Places and regulations for State Historic Preservation Districts; provides for assistance to Indian Tribes in preserving their historic properties.

**16 USC 470x** establishes the National Center for Preservation Technology and Training to address the complexity of technical problems encountered in preserving historic properties.

**16 USC 470aa to 470mm** secures the protection of archeological resources on public land and Indian land; provides for excavation and removal permits; addresses custodial issues, penalties for violations, and disposition of properties.

**16 USC 1908 Mining in the National Parks Act of 1976** directs the Secretary to take certain actions when a district, site, building, structure or object that has been designated as a national or historical landmark may be lost or destroyed.

**25 USC 3001 to 3013 Native American Graves Protection and Repatriation Act of 1990** provides for the inventory, protection, management and repatriation of human remains and cultural items.

**26 USC 46(b)(4) and 48(g) Tax Reform Act of 1986** authorizes tax credit for rehabilitation of historic buildings and outlines conditions for qualification.

#### **Activity: Environmental Compliance and Review**

**16 USC 797(e) and 803(a) The Federal Power Act** requires that in licensing power generation projects, the recommendations of agencies with administration over relevant resources be considered; requires licenses to include conditions for protection of wildlife habitat.

**42 USC 4321 to 4347 National Environmental Policy Act** requires agencies to monitor, evaluate and control their activities so as to protect and enhance the quality of the environment; requires that a detailed statement be prepared for any major Federal action significantly affecting the quality of the human environment.

**49 USC 303 Department of Transportation Act of 1966** requires review of proposed Department of Transportation projects which could have an adverse impact on public park and recreation areas and historic sites.

**16 USC 1278 Wild and Scenic Rivers Act** requires agencies to notify Interior of any proceeding, study, or other activity which affects or may affect wild and scenic rivers under its jurisdiction.

**16 USC 3505 Coastal Barrier Resources Act** permits expenditures for the purpose of studying management, protection and enhancement of fish and wildlife resources and habitats.

#### **Activity: Grants Administration**

**16 USC 470 National Historic Preservation Act** prescribes responsibilities for administration of the historic preservation program

**25 USC 3001 to 3013 Native American Graves Protection and Repatriation Act of 1990** provides for the inventory, protection, management and repatriation of human remains and cultural items.

#### **Activity: International Park Affairs**

**16 USC 470a-1 and a-2 National Historic Preservation Act** authorizes the administration of a grant program in certain areas outside the United States.

**16 USC 470a(e)(6)(A) National Historic Preservation Act** authorizes cooperation with other nations and international organizations in connection with the World Heritage Convention.

**16 USC 470i National Historic Preservation Act** declares it Federal policy "in cooperation with other nations [to] provide leadership in the preservation of the prehistoric and historic resources of the international community of nations..."

**16 USC 1537** requires or authorizes the Secretary to encourage or cooperate in certain ways with other nations in the conservation of fish or wildlife and plants, refers to United States commitment to the worldwide protection of endangered or threatened species, and requires cooperation with other nations to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

**Activity: Heritage Partnership Programs**

Federal financial, technical or other assistance to non-Federal entities is authorized in the management of areas designated for historic preservation and interpretation. Public Laws designating these areas, which are provided support under this activity, are as follows:

**16 USC 410ccc21 to 26** designates and authorizes Federal support for the Cane River National Heritage Area and Commission.

**Public Law 98-398 Illinois and Michigan Canal National Heritage Corridor Act of 1984**, as amended by Public Law 104-333 (Div. I, Title IX, Sec. 902), and Public Law 105-355 (Title V, Sec. 502).

**Public Law 99-647 Blackstone River Valley National Heritage Corridor Act of 1986**, as amended by Public Law 101-441, Public Law 102-154 (Title I), Public Law 104-208 (Div. A, Title I, Sec. 101d), Public Law 104-333 (Div. I, Title IX, Sec. 901), Public Law 105-355 (Title V, Sec. 501), Public Law 106-113 (Div. B, Sec. 1000(a)(3)), and Public Law 106-176 (Title I, Sec. 121).

**Public Law 100-692 Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988**, as amended by Public Law 105-355 (Title IV).

**Public Law 103-449 (Title I) Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994**, as amended by Public Law 106-149 *Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999*.

**Public Law 104-323 Cache La Poudre River Corridor Act of 1996**

**Public Law 104-333 Omnibus Parks and Public Lands Management Act of 1996**, included the *Hudson River Valley National Heritage Area Act of 1996* (Div. II, Title IX), the *National Coal Heritage Area Act of 1996* (Div. II, Title I), the *Ohio & Erie Canal National Heritage Corridor Act of 1996* (Div. II, Title VIII), the *South Carolina National Heritage Corridor Act of 1996* (Div. II, Title VI), and the *Steel Industry American Heritage Area Act of 1996* (Div. II, Title IV). It also designated America's Agricultural Heritage Partnership (Div. II, Title VII), Augusta Canal National Heritage Area (Div. II, Title III), Essex National Heritage Area (Div. II, Title V), and Tennessee Civil War Heritage Area (Div. II, Title II). The *Steel Industry American Heritage Area Act of 1996* was later amended by Public Law 106 (Appendix C, Title I, Sec. 117).

**Public Law 105-355 (Title I) Automobile National Heritage Area Act**

**Public Law 106-278 (Title I) Lackawanna Valley National Heritage Area Act of 2000**

**Public Law 106-278 (Title II) Schuylkill River Valley National Heritage Area Act**

**Public Law 106-291 (Title I, Sec. 157) Wheeling National Heritage Area Act of 2000**

**Public Law 106-319 Yuma Crossing National Heritage Area Act of 2000**

**Public Law 106-554 (Div. B, Title VIII) Erie Canalway National Heritage Corridor Act**

**Public Law 108-108 (Title I, Sec. 140) Blue Ridge National Heritage Area Act of 2003**

**Activity: Statutory or Contractual Aid for Other Activities**

**20 USC 4441 to 4451 Program for Native Hawaiian and Alaska Native culture and arts development** authorizes the Secretary of the Interior to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution.

Various provisions authorize appropriations for financial aid to specific organizations designated by the Congress.

**16 USC 407 Constitution Heritage Act** establishes the National Constitution Center near Independence National Historical Park to disseminate information about the U.S. Constitution in order to increase the awareness of the Constitution among the American people.

**16 USC 410bbb** establishes New Orleans Jazz Commission and delineates its cooperative role in the establishment and operations of New Orleans Jazz National Historical Park.

**16 USC 469d to 469i Ice Age National Scientific Reserve** sets aside areas to preserve nationally significant features of continental glaciation.

**16 USC 1101 to 1103** establishes Roosevelt Campobello International Park as a symbol of cooperation between the United States and Canada.

**Public Law 93-486 (Title II)** authorizes financial aid to the Sewell-Belmont House National Historic Site.

**Public Law 96-428** established the Martin Luther King, Jr. National Historic Site and authorizes the site to enter into cooperative agreements with other organizations, which help it fulfill its mission.

**Public Law 99-388** authorizes the Secretary of the Interior to enter into an agreement with the Johnstown Flood Museum Association and to provide technical and financial assistance to the Johnstown Flood Museum.

**Public Law 102-419 (Title II) Dayton Aviation Heritage Preservation Act of 1992** establishes the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing the historic resources in the Miami Valley, Ohio, associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

**Public Law 102-525 (Title I) Brown v. Board of Education National Historic Site Act** designates the NPS site and authorizes it to enter into cooperative agreements.

**Public Law 104-333 Omnibus Parks and Public Lands Management Act of 1996** designated Lamprey River in New Hampshire as a Wild and Scenic River and authorizes it for financial and technical assistance (Div. I, Title IV, Sec. 405). The Act also established and provides for the management of Vancouver National Historic Reserve (Div. I, Title V, Sec. 502).

**Public Law 105-312 (Title V) Chesapeake Bay Initiative Act of 1998** authorizes the Secretary of the Interior to provide financial aid and technical assistance to programs, which identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Bay and to establish a Chesapeake Bay Gateways Grants Assistance Program.

**Public Law 106-565 Jamestown 400th Commemoration Commission Act of 2000** established a commission to ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia and to cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary.

**Public Law 107-308 North American Wetlands Conservation Reauthorization Act** extended, in Sec. 9, the authorization of Public Law 105-312 Chesapeake Bay Initiative Act of 1998.

**Public Law 107-202 Benjamin Franklin Tercentenary Commission Act** established the Benjamin Franklin Tercentenary (Celebration) Commission and authorized appropriations.

**Public Law 108-108 Department of the Interior and Related Agencies Appropriations Act, 2004** provided funding but not specific authorization to the Blue Ridge Parkway's Folk Art Center, Flight 93 Memorial, French and Indian War, Harry S Truman statue in Union Station, Wisconsin, Lake Roosevelt Forum, Mandan Interpretive Center, Office of Arctic Studies, Oklahoma City Memorial, Penn Center National Landmark and Sleeping Rainbow Ranch cooperative work.

**Public Law 108-199 Consolidated Appropriations Bill, 2004** provided in Title V - General Provisions, Sec 544, amendments to Oklahoma City National Memorial Act of 1997. Amendments to 16 U.S.C. 450ss-1 through 16 U.S.C. 450ss-3 changed the Oklahoma City National Memorial from a park unit to an affiliated area and transferred the property, rights, authorities and duties to the non-profit Trust.